

EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN W. PEROTTI,

Plaintiff,

v.

MS. MARLBERRY, ET AL.,

Defendants.

No. 05-60172

District Judge John Corbett O'Meara

Magistrate Judge R. Steven Whalen

**ORDER GRANTING RECONSIDERATION OF ORDER
DENYING PLAINTIFF'S COUNSEL'S MOTION TO WITHDRAW**

On May 31, 2018, I entered an order [Doc. #254] denying without prejudice counsel's motion to withdraw from representation of Plaintiff. On June 7, 2018, Plaintiff filed what he termed a "response" to that order [Doc. #255]. On June 8, 2018, Plaintiff's counsel, attorney Ellis Boal, filed a response to Plaintiff's response [Doc. # 256].

Both the Plaintiff's and Mr. Boal's filings can be fairly construed as motions for reconsideration of my order denying counsel's request to withdraw, and both are in agreement that Mr. Boal should in fact be permitted to withdraw as Plaintiff's counsel.

Under E.D. Mich. LR 7.1(g)(3), a party seeking reconsideration of an order "must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case." It is now apparent to the Court, in a way that it was not when the original order denying withdrawal was entered, that in fact there has been an irreconcilable breakdown in the attorney-client relationship, and that the Plaintiff "insists upon pursuing an objective that the lawyer considers repugnant or imprudent." M.R.P.C. 1.16(b). It also now appears that Plaintiff has effectively discharged Mr. Boal as his attorney. M.R.P.C.

1.16(a).

Therefore, the filings that I have construed as motions for reconsideration [Doc. #255 and No. 256] are GRANTED.

On reconsideration, Mr. Boal's motion to withdraw as counsel [Doc. #240] is GRANTED.

The case is STAYED for a period of 30 days from the date of this Order. During that time, the Court will attempt to obtain substitute *pro bono* counsel to represent the Plaintiff. If the Court is unable to do so in that time, the Plaintiff will proceed *pro se*.

IT IS SO ORDERED.

Dated: June 14, 2018

s/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I hereby certify on June 14, 2018 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to non-registered ECF participants on June 14, 2018.

s/Carolyn M. Ciesla
Case Manager for the
Honorable R. Steven Whalen